

1  
2  
3  
4  
5  
6  
7 GERALD H. STOLP,  
8 Petitioner,  
9 v.  
10 KIM HOLLAND,  
11 Respondent.

Case No. 16-cv-01265-JD

**ORDER OF TRANSFER**

Re: Dkt. Nos. 2, 3

12  
13 This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a  
14 conviction obtained in Calaveras County California. Calaveras County is in the venue of the  
15 United States District Court for the Eastern District of California. Petitioner is incarcerated in  
16 Tehachapi, CA, which is located in the Central District of California.

17 Venue for a habeas action is proper in either the district of confinement or the district of  
18 conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a  
19 conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v.*  
20 *Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted in Calaveras  
21 County, this case is **TRANSFERRED** to the United States District Court for the Eastern District  
22 of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

23 **IT IS SO ORDERED.**

24 Dated: April 19, 2016

25  
26  
27  
28   
JAMES DONATO  
United States District Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERALD H. STOLP,  
Plaintiff,  
  
v.  
  
KIM HOLLAND,  
Defendant

Case No. 16-cv-01265-JD

## **CERTIFICATE OF SERVICE**

KIM HOLLAND,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 19, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gerald H. Stolp ID: ID: AK4738  
California Correctional Institution  
P.O. Box 1902  
Tehachapi, CA 93581

Dated: April 19, 2016

Susan Y. Soong  
Clerk, United States District Court

By: Lisa R. Clark  
LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO